

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Felix Toribio,

Plaintiff

— against —

Modesto Abreu and Our Neighborhood Spanish  
Restaurant Corp.,

Defendants.

**18-cv-1827 (ARR) (RLM)**

**Order adopting report and  
recommendation**

**Not for electronic or print  
publication**

Ross, United States District Judge:

This Court has received the report and recommendation, dated November 15, 2018, from the Honorable Roanne L. Mann, United States Magistrate Judge. R. & R., ECF No. 17. After the defendants failed to timely respond to the complaint, plaintiff obtained a certificate of default against both defendants. *See Clerk’s Entry of Default ECF No. 10.* Thereafter, plaintiff moved for a default judgment. *See Motion for Default Judgment, ECF No. 11.* I referred the motion to Judge Mann on May 22, 2018. *See May 22, 2018 Order.* In the report and recommendation, Judge Mann recommended that a “default judgment be granted against both named defendants, jointly and severally, in the amount of \$83,251.50, representing \$79,580.00 in compensatory, liquidated, and statutory damages, \$3,167.50 in attorney’s fees, and \$504.00 in costs.” R. & R. 24.

Objections to the R. & R. were due by November 29, 2018, but none have been filed. The court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874, 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371, 2017

WL 4838764, at \*1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record, I find no clear error. I therefore adopt the R. & R. in its entirety as the opinion of the Court, pursuant to 28 U.S.C. § 636(b)(1). Accordingly, default judgment is granted against both named defendants, jointly and severally, in the amount of \$83,251.50, with post-judgment interest as provided in 28 U.S.C. § 1961.

The Clerk of Court is respectfully requested to send copies of this opinion by mail, via Federal Express, to each defendant at the following address:

Our Neighborhood Spanish Restaurant Corp.  
444 Mother Gaston Blvd.  
Brooklyn, NY 11212

SO ORDERED.

---

/s/  
Allyne R. Ross  
United States District Judge

Dated: December 4, 2019  
Brooklyn, New York